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EXAMINER

LE, BRIAN Q

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2624

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/788,422
Filing Date: February 21, 2001
Appellant(s): WILCOCK ET AL.

Paul D. Greeley (Reg. No. 31,019)

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 22, 2006 appealing from the Office action mailed May 03, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the issues in the brief is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix of Claims to the brief is correct.

(8) Evidence Relied Upon

5,606,627	Kuo	2-1997
6,133,945	Stuettler	10-2000
6,272,235	Bacus et al.	8-2001
5,806,072	Kuba et al.	9-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-8, and 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuo U.S. Patent No. 5,606,627 and Stuettler U.S. Patent No. 6,133,945.

Regarding claim 1, Kuo teaches a method comprising:

Recording, in association with taking a first image recording with a camera, first data indicative of a geographic location of said camera (column 4, lines 60-67);

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Recording (Recording data) (column 5, lines 9-17), in response to activation of said camera (column 1, lines 55-67), and separately from taking an image recording using said camera, second data indicative of a geographic location of said camera (column 4, lines 60-67) (Kuo discloses of two camera stations. Thus, first data indicative (first camera parameters) from GPS would disclose first camera location (space coordinate of first camera) and second data indicative (second camera parameters) from GPS would also disclose second camera location (space coordinate of first camera)) (column 7, lines 30-48); and

retrieving, from a resource separate from said camera, a second image recording concerning said geographic location indicated by said second data (the process of retrieving camera parameters such as location of camera to the computer memory) (column 4, lines 60-67). Kuo does not explicitly teach that a device other than a camera can take a second image recording. Stuetzler further teaches a method in the same field of invention (stereoscopic images processing) (abstract) wherein different image recordings can be taken not only by cameras but also by other devices such as video recorder (column 5, lines 5-11). Modifying Kuo's method processing stereoscopic image processing according to Stuetzler would be able to provide a flexibility to enable different image input devices to record images (column 5, lines 5-11). This would clearly allow the capability of wherein said second image recording will be taken by a device other than said camera. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Stuetzler.

For claim 2, Kuo teaches a camera wherein said first data is recorded in a recording arrangement that is separate from said camera (data saved from the camera) (FIG. 1B).

Regarding claim 3, Kuo further teaches a method wherein said first data and said second data are recorded in a same sequence of data items (both data from the left camera and the right camera were saved the same way) (FIG. 1B).

Referring to claim 4, Kuo also teaches a method wherein said first data is recorded in said camera (image captured by the camera) (FIG. 1B, element 20).

For claim 5, Kuo shows a method wherein said first data and said second data recording in a same sequence of data items (both data from the left camera and the right camera were saved the same way).

Regarding claim 7, Kuo teaches a method wherein said retrieving comprises displaying a map of an area (photographic with space coordinate) around said geographic location indicated by said second data and obtaining an input detailing a target subject, zone or point and using said input to facilitate said retrieving (column 10, lines 39-67).

For claim 8, Kuo further teaches a method wherein subsequent to said taking of said set of image recordings, a map display shows locations where image recordings of said set were taken, wherein prior to said retrieving, an item is represented on said map display, and wherein said item corresponds to said geographic location indicated by said second data (column 10, lines 39-67).

For claim 11, please refer back to claim 1 for further teachings and explanations.

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5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuo U.S. Patent No. 5,606,627 and Stuetzler U.S. Patent No. 6,133,945, as applied to claim 1 above, and further in view of Kuba U.S. Patent No. 5,806,072.

Regarding claim 6, Kuo does not explicitly teach a method wherein said retrieving comprises retrieving multiple image recordings displaying said multiple image recordings and enabling a user to choose at least one of said multiple image recordings for retention and association with said set of image recordings. Kuba teaches a method of augmenting a set of image (image management) recordings (abstract) method wherein said retrieving comprises retrieving multiple image recordings displaying said multiple image recordings and enabling a user to choose at least one of said multiple image recordings for retention and association with said set of image recordings (column 28, lines 53-67). Modifying Kuo's method of augmenting a set of image recordings according to Kuba would allow the user to have the capability to manage image file/data more efficient. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Kuba.

6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuo U.S. Patent No. 5,606,627 and Stuetzler U.S. Patent No. 6,133,945, as applied to claim 8 above, and further in view of Bacus U.S. Patent No. 6,272,235.

Regarding claim 9, Kuo does not explicitly teach the concept wherein when said map display is present, retrieval of an image recording corresponding to said item is initiated by clicking on a displayed graphic element associated with a displayed location corresponding to said item. Bacus teaches a concept of managing images wherein the image item (map) can be initiated by click of the mouse clicking on a displayed graphic element (column 9, lines 15-30).

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Modifying Kuo's method of managing electronic imaging according to Bacus would be able to allow user to use the mouse or other point devices to execute images (view or enlarge) quickly. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Bacus.

For claim 10, Kuo also does not teach the concept of using the Internet service system to provide image recordings to registered users on the basis of location data supplied in a service request. Bacus further teaches this limitation (FIG. 1, FIG. 17, and FIG. 18). Modifying Kuo's method of managing electronic imaging according to Bacus would be able to allow user to access the image storage by Internet from various locations around the world. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Bacus.

(10) Response to Argument

(A) The following discussion relates to the rejection of claims 1-5, 7, 8 and 11 under 35 U.S.C. 103(a) as being unpatentable over a combination of the Kuo and Stuetzler patents.

1. Appellant's argument ---- Regarding claim 1, Appellant argues (bottom of page 7 of the Appeal Brief) that Kuo U.S. Patent No. 5,606,627 ("Kuo") fail to teach or suggest "retrieving an image from the second camera station OR concerning the space coordinates of the first camera station OL".

Examiner's response ---- The Examiner respectfully disagrees with the Appellant's statement. The Applicant does not claim this concept in the claim's language and thus no further discussion is needed for this limitation.

2. Appellant's argument ---- Regarding claim 1, Appellant argues (pages 7-8 of the Appeal Brief) that the combination of Kuo and Stuetzler U.S. Patent No. 6,133,945 ("Stuetzler") is not sufficient due the lack of suggestion or motivation to combine the references. This is because the Applicant believes (page 8 of the Appeal Brief) that Kuo is specifically directed toward a processing of airborne data while Stuetzler is directed to a method views object through a video stereomicroscope.

Examiner's response ---- The Examiner respectfully disagree with the Appellant's statement. First, even if the two references have different intended use; however, both are in the same field of endeavor, which is stereo imaging analysis (Kuo, column 1, lines 6-10) (Stuetzler, column 4, lines 14-25). Also when interpret "**image recording** was taken by a device other than said camera", the Examiner has narrowly interpreted that the concept of image recording (as image capturing/taking/inputting specifically described as "recording") can be other devices than said camera. Thus, Stuetzler teaches a method of processing stereo image (column 4, lines 14-25) wherein clearly uses a stereo recorder beside a camera to record images (column 5, lines 5-10). Since both references teach image recording (image capturing/taking/inputting) means (Kuo, column 5, lines 10-12) (Stuetzler, column 5, lines 5-10). Thus, it would have been obvious to modifying Kuo's method of recording image by camera (column 5, lines 10-12) according to Stuetzler's method of recording means (other than said camera) by stereo video recorder would be able to expand the flexibility in recording images. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuo according to Stuetzler.

Also, in a reasonably broad interpretation, Kuo also disclose a concept of second image recording other than said camera (The elevation database is from a memory storing/recording the second image from second camera) (column 5, lines 5-10; column 7, lines 5-18 and column 13, lines 30-35).

Furthermore, as discussed in the original disclosure of the specification, image recording can also be performing by the recording of image database from a memory (FIG. 11, elements 94, 95, 43; and page 4, lines 10-11).

Therefore, Kuo also teaches the limitation “second image recording was take by a device other than said camera”. However, for the purpose to further elaborate the specific concept of “recording” as interpreted by the Examiner, Stuetzler’s teaching is used to disclose the concept of image “**recording**” (emphasis added) by a device other than said camera.

(B) The following discussion relates to the rejection of claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of the Kuo and Steuttler patents, and further in view of Kuba et al. U.S. Patent No. 5,806,072.

1. Appellant’s argument ---- Regarding claim 6, the Appellant argues (page 9 of the Appeal Brief) that since claim 6 by virtue of its dependence on claim 1 and because of the deficiency on the part of the Kuo patent cannot be cured by combining the Kuo patent with Stuetzler, the final rejection of claim 6 should be withdrawn.

Examiner’s response ---- The Examiner respectfully disagree with the Appellant’s statement. Please refer back to the Examiner’s response of section 10 (A) for the validity of the final rejection on claim 1. Thus the final rejection of claim 6 is maintained because of its dependence to claim 1.

(C) The following discussion relates to the rejection of claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of the Kuo and Steuttler patents, and further in view of Bacus et al. U.S. Patent No. 6,272,235.

1. Appellant's argument ---- Regarding claims 9-10, the Appellant argues (page 9 of the Appeal Brief) that since claims 9-10 by virtue of their dependence on claim 1 and because of the deficiency on the part of the Kuo patent cannot be cured by combining the Kuo patent with Stuetler, the final rejection of claims 9-10 should be withdrawn.

Examiner's response ---- The Examiner respectfully disagree with the Appellant's statement. Please refer back to the Examiner's response of section 10 (A) for the validity of the final rejection on claim 1. Thus, the final rejection of claims 9-10 is maintained because of their dependence to claim 1.

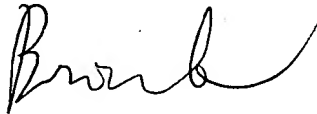
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Brian Le

Examiner

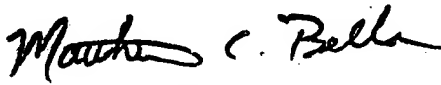
April 17, 2007

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